

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KENNETH MAURICE SUTTON,

Petitioner,

v.

JOHN GAY,

Respondent.

Case No. C07-5148RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Petitioner's Application for a Certificate of Appealability [Dkt. #24]. For the reasons stated in the Report and Recommendation [Dkt. #19], this Court declines to issue a certificate of appealability because petitioner has failed to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. §2253(c)(2).

IT IS SO ORDERED.

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 6th day of December, 2007.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE